

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Jewell Thomas
Plaintiff

United States Courts
Southern District of Texas
FILED

JUN 10 2022

Nathan Ochser, Clerk of Court

CASE Number: 4:22-cv-01776

V.

Jerry Sanchez, et al

PLAINTIFF'S AMENDED COMPLAINT

ADA claim - Jerry Sanchez violated my rights under the Americans with Disabilities Act.

The Plaintiff has a record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder ^{w/} Psychotic Features, and Schizophrenia which are Qualifying disabilities that prevent me from among other limitations and, The Plaintiff is significantly restricted in the ability to perform learning, reading, concentrating, sleeping and thinking. The Plaintiff is being denied and excluded from the benefits of access to Psychological counseling, Psychotherapy, group Therapy and assignment to constructive Therapeutic activities which The Texas Department of Criminal Justice - Correctional Institutional Division is responsible. When my disabilities are active I have or experience anxiety, stress, fear, racing thoughts, hallucinations, hear voices ^{w/} commands, flashbacks and shortness of breath with lethargy which are among other



symptoms that prevent The Plaintiff from accessing the benefits of the Texas Department of Criminal Justice (TDCJ), or in the alternative, The symptoms give the Plaintiff less meaningful access to above activities, services and programs. The Defendant(s) prevent me from Psychological counseling, Psychotherapy, group therapy and assignment to constructive therapeutic activities because the Plaintiff has both psychiatric and psychological conditions, OR Because the Defendant(s) don't believe such conditions exist, OR That The Plaintiff ^{don't} qualifies.

Rehabilitation Act Claim - Jerry Sanchez violated my under the Rehabilitation Act.

The Plaintiff has a record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder " / Psychotic Features, and Schizophrenia which are Qualifying disabilities, which prevent The Plaintiff from among other limitations sleeping, concentrating, learning, reading, and thinking. Group Therapy, Constructive Therapeutic activities, Psychological counseling and Psychotherapy are programs or activities within The Texas Department of Criminal Justice - Correctional Institutional Division which receives federal financial assistance and The Plaintiff is a qualified handicapped person, who solely by the reason of his handicap has been denied benefits from, or otherwise been subjected to discrimination under the above programs and or activities because of the Defendant(s) failure to provide "Reasonable Accommodations" by providing at least "one on one" Therapy sessions, The Defendant(s) through policy has never tried. Furthermore, The Defendant(s) failed to provide reasonable.

accommodations so that I can access other activities or services such as medical services, Law Library and Working.

Eighth Amendment claim - Jerry Sanchez violated my rights under the Eighth Amendment.

The Defendant Jerry Sanchez acting under color of state law, Deprived the plaintiff of the right to be free from cruel and unusual punishment or in the alternative to be free from deliberate indifference. Jerry Sanchez through policy continues to be deliberately indifferent to the Plaintiff's serious psychological and psychiatric mental health needs by failing to provide or ensure that psychological counseling and Psychotherapy be provided. Jerry Sanchez was put on notice via sick calls and grievances therefore, Jerry Sanchez actually drew the inference that his acts or omissions would cause The Plaintiff serious harm and that he acted (or failed to act) with intent to harm the Plaintiff. The Plaintiff had been under both the care of a Psychologist and Psychiatrist prior to my imprisonment. My crimes are related to my mental illnesses, I require Psychological Counseling and Psychotherapy. The conditions of my confinement aggravate my mental Health medical needs.

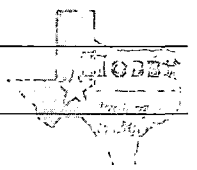


ADA claim - Isaac Kwarteng violated my rights under the Americans with Disabilities Act.

The Plaintiff has record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder^w / Psychotic Features, and Schizophrenia which are Qualifying disabilities that prevent the Plaintiff from among other limitations performing learning, reading, concentrating, sleeping and thinking. The Plaintiff is being denied and excluded from the benefits of access to Psychological counseling, Psychotherapy, group therapy and the assignment to constructive therapeutic activities which the Texas Department of Criminal Justice - Correctional Institutional Division is responsible. When my disabilities are active I have or experience anxiety, stress, fear, racing thoughts, hallucinations, hear voices^w / command, flashbacks and shortness of breath with lethargy which are among other symptoms that prevent the Plaintiff from accessing the benefits of the Texas Department of Criminal Justice (TDCJ), or in the alternative, The symptoms give the Plaintiff less meaningful access to the above activities, services and programs. The Defendant(s) have prevented me from Psychological counseling, Psychotherapy, group therapy and the assignment to constructive therapeutic activities because the Plaintiff has both psychiatric and psychological conditions, or because the Defendant(s) don't believe such conditions exist. The major life activities prevent me from access to Medical, off site Trips, Law Library, Disciplinary Hearings and The Chow Hall.

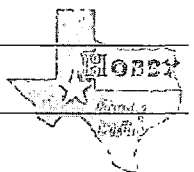
Rehabilitation Act claim - Isaac Kwarteng Violated my rights under the Rehabilitation Act.

- The Plaintiff has record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder^w/ Psychotic Features, and Schizophrenia which are Qualifying disabilities that prevent the Plaintiff from but not limited to sleeping, concentrating, learning, reading and thinking. Group Therapy, Constructive Therapeutic activities, Psychological counseling and Psychotherapy are programs or activities within the Texas Department of Criminal Justice - Correctional Institutional Division which receives federal financial assistance and the Plaintiff is a qualified handicapped person, who solely by the reason of his handicap has been denied benefits from, or otherwise been subjected to discrimination under the above programs and or activities because of the Defendant(s) failure to provide "reasonable accommodations" by providing at least "one on one" Therapy sessions, The Defendant(s) through policy has never made attempts. Furthermore, The Defendant(s) failed to provide reasonable accommodations so that I can access other activities or services such as medical services, Law Library and working. Because the Defendant(s) don't believe such conditions exist, or that the Plaintiff do not qualify for such services, programs or activities.



Eighth Amendment claim - Isaac Kwarteng violated my rights under the Eighth Amendment.

The Defendant Isaac Kwarteng acting under color of State Law, Deprived the Plaintiff of the right to be free from cruel and unusual punishment or in the alternative to be free from deliberate indifference. Isaac Kwarteng Through policy continues to be deliberately indifferent to the Plaintiff's serious psychological and psychiatric mental health needs by failing to provide or ensure that psychological counseling and psychotherapy be provided. Isaac Kwarteng was put on notice via sick calls and grievances therefore, Isaac Kwarteng actually drew the inference that his acts or omissions would cause the Plaintiff serious harm and that he acted or (failed to act) with intent to harm the Plaintiff. The Plaintiff had been under both the care of a Psychologist and Psychiatrist prior to my imprisonment. My crimes are related to my mental illnesses; I require Psychological Counseling and Psychotherapy. The conditions of my confinement aggravate my mental Health medical needs.



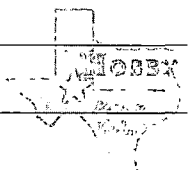
ADA Claim - Leah Rea violated my rights under the Americans with Disabilities Act.

The Plaintiff has record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder^W / Psychotic Features, and Schizophrenia which are Qualifying disabilities that prevent the plaintiff from the ability to learn, read, concentrate, sleep and think. The Plaintiff is being denied and excluded from the benefits of access to Psychological counseling, Psychotherapy, Group Therapy and the assignment to constructive therapeutic activities which The Texas Department of Criminal Justice - Correctional Institutional Division is responsible. When my disabilities are active I have or experience anxiety, stress, fear, racing thoughts, hallucinations, hear voices^W / command, flashbacks and shortness of breath with lethargy which are among other symptoms that prevent the Plaintiff from accessing the benefits of the Texas Department of Criminal Justice (TDCJ) or in the alternative, The symptoms give the plaintiff less meaningful access to the above activities, services and programs. The Defendant(s) have prevented me from access to Psychological counseling, Psychotherapy, Group Therapy and The assignment to constructive therapeutic activities because The Plaintiff has both psychiatric and psychological conditions, OR because the Defendant(s) don't believe such conditions exist. The Major Life activities prevent the Plaintiff from access to Medical services, off-site trips, Law Library, Disciplinary Hearings and The Chow Hall.



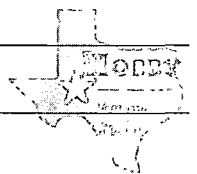
Eighth Amendment claim - Leah Rea violated The Plaintiff's rights under the Eighth Amendment.

The Defendant Leah Rea acting under color of State Law, Deprived the Plaintiff of the right to be free from cruel and Unusual punishment or in the alternative to be free from deliberate indifference. Leah Rea through policy, continues to be deliberately indifferent to the Plaintiff's serious psychological and psychiatric mental health needs by failing to provide or ensure that psychological counseling and Psychotherapy be provided. Leah Rea was put on notice via sick calls and grievances therefore, Leah Rea actually drew the inference That his acts or omissions would cause the Plaintiff serious harm and that she acted or (failed to act) with intent to harm the Plaintiff. The Plaintiff had been under both the care of a Psychologist and Psychiatrist prior to my imprisonment. My crimes are related to my mental illnesses, I require Psychological counseling and Psychotherapy The conditions of my confinement aggravate my mental Health medical needs.



Rehabilitation Act claim - Leah Rea violated my rights under the Rehabilitation Act.

- The Plaintiff has a record of suffering from PTSD (Post Traumatic Stress Disorder), Major Depressive Disorder^W / Psychotic Features, and Schizophrenia which are Qualifying disabilities that prevent The ability to learn, read, concentrate, sleep and think. The Group Therapy program, constructive therapeutic activities, Psychological counseling and Psychotherapy are programs or activities within the Texas Department of Criminal Justice - Correctional Institutional Division that receives federal financial assistance and the Plaintiff is a Qualified handicapped person, who solely by the reason of his handicap has been denied benefits from, or otherwise been subjected to discrimination under the above programs and or activities because of the Defendant's failure to provide "Reasonable Accomodations" by providing at least "one on one" Therapy sessions, The Defendants Through policy and practices have never made any attempts. Furthermore, The Defendant(s) failed to provide reasonable accomodations so that I can access other activities or services such as medical services, Law Library and working. Because the Defendant(s) dont believe such conditions exist, OR That the Plaintiff do not qualify for such services, programs, or activities.

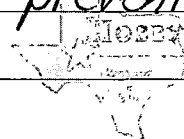


ADA Claim - Texas Department of Criminal Justice - Correctional Institutional Division (TDCJ-CID)

The Texas Department of Criminal Justice violated my rights under the Americans with Disabilities Act by and through its employees. The Plaintiff was discriminated against because the Texas Department of Criminal Justice failed to take such steps that were necessary to ensure that the Plaintiff was not excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of services, programs or activities. TDCJ failed to create policies or procedures to prevent discrimination based on disability.

Rehabilitation Act claim - Texas Department of Criminal Justice - Correctional Institution Division (TDCJ-CID)

The Texas Department of Criminal Justice violated my rights under the Rehabilitation Act by and through its employees. The Plaintiff was discriminated against under a theory of "Failure to Accommodate" and because the Texas Department of Criminal Justice failed to take such steps that were necessary to ensure that the Plaintiff was not excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of services, programs or activities. TDCJ failed to create policies or procedures to prevent discrimination based on disability.





Texas Department of Criminal Justice

STEP 1. OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2022002514

Date Received: Feb. 11, 2022

Date Due: Mar. 28, 2022

Grievance Code: 1000

Investigator ID #: 1910

Extension Date: May 12, 2022

Date Retd to Offender: APR 6 7 2022

Offender Name: Jewell Thomas TDCJ # 2350417

Unit: McConnell Housing Assignment: 12-B-75

Unit where incident occurred: McConnell 8K-05B

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)?

Lt. Cavasco

When?

2-6-2022

What was their response?

NONE

What action was taken?

NONE

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

On Sunday Feb 6, 2022 I was retaliated against once again by medical personnel and Lt. Cavasco. I was refused medical care after having a medical pass. My prescribed boot was taken from me and the response was that "I didn't need it". My property has been withheld from me for now 4 days. Several requests have been made for my property. Policy is that my property should have accompanied me to "lock up". I was told by another inmate to expect certain items missing from my property. This was in response to an altercation between myself and another officer assigned to work in medical. The voices told me that she was fixing to kill me. She had a pitchfork in her hand and she had dark red eyes. I yelled for her to take the attitude down and not to put me off because I don't give a "F**K". Every since I fell down the stairs and hit my head my mental illness has gotten worse.

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

MAY 16 2022



Texas Department of Criminal Justice
STEP 2 OFFENDER
 GRIEVANCE

Offender Name: Jewell Thomas TDCJ # 2350417
 Unit: McConnell Housing Assignment: 8-K-5830B
 Unit where incident occurred: McConnell

OFFICE USE ONLY

Grievance #: 2022062514
 APR 08 2022
 UGI Recd Date: APR 14 2022
 HQ Recd Date: 05.23.22
 Date Due: 05.23.22
 Grievance Code: 606
 Investigator ID#: I0352
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Warden Jerry Sanchez continue to allow his staff to violate my rights under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and The 8th Amendment to be free from cruel and unusual punishment in the form of inadequate medical care. On December 28, 2021 I did not decline Psychological Counseling and Psychotherapy which is a form of treatment that has demonstrated to have the best results in both ameliorating and facilitating my mental illnesses. I have been diagnosed with PTSD, Major Depressive Disorder w/ Psychotic Features and Schizophrenia. Certain therapeutic techniques have been proven to be effective. I have been denied these techniques in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Mental Health has denied me the benefit of participating in its Mental Health Program.

Secondly, my Prescribed Orthopedic Boot was confiscated by Lt. Carasco from or by direct order of Nurse Samuel Georgy in violation of my rights under the Eighth Amendment to be free from cruel and unusual punishment, Section 504 of the Rehabilitation Act of 1973 and again The Americans with Disabilities Acts. The complaint regarding the confiscation of my Prescribed Orthopedic Boot was never addressed in the response to my Step 1 grievance. The orthopedic boot which had been prescribed was never returned to me and shortly after it was taken by force, I was "forced" to walk in severe pain, without any effective pain management and physical therapy.

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

Medical Director Isaac Kwarteng and Executive Director Bryan Collier are responsible for these violations.

Jewell Thomas #2350417
McConnell Unit
3001 S. Emily Dr
Beerville, Texas 78102



United States Gov
Southern District

FILED

JUN 10 2007

Nathan Ochener, Clerk of Court

United States District Court
Southern District of Texas
P.O. Box 61010
Houston, Texas 77208

[Legal Mail]

Attn: Clerk, Nathan Ochener